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LEGISLATIVE HISTORY
Public Law 90-625
S. 3736

TABLE OF CONTENTS

Index and summary of S. 3736.....	1
Digest of Public Law 90-625.....	2

INDEX AND SUMMARY OF S. 3736

July 8, 1968	Sen. Montoya introduced S. 3736 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced.
July 10, 1968	Senate committee voted to report S. 3736.
Sept. 6, 1968	Senate committee reported S. 3736 without amendment. Senate Report 1502. Print of bill and report.
Sept. 11, 1968	Senate passed S. 3736 without amendment.
Sept. 12, 1968	S. 3736 was referred to House Agriculture Committee. Print of bill as referred.
Sept. 30, 1968	House Agriculture Committee reported S. 3736 with amendment. House Report 1933. Print of bill and report.
Oct. 7, 1968	House passed S. 3736 as reported.
Oct. 11, 1968	Senate concurred in House amendment.
Oct. 22, 1968	Approved: Public Law 90-625.

DIGEST OF PUBLIC LAW 90-625

LAND CONVEYANCE TO CENTRAL, NEW MEXICO. Directs the Secretary of Agriculture to sell to Central New Mexico, certain lands administered by him, formerly part of the Fort Bayard Military Reservation.

90TH CONGRESS
2D SESSION

S. 3736

IN THE SENATE OF THE UNITED STATES

JULY 8, 1968

Mr. MONTROYA introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To authorize the Secretary of Agriculture to sell to the Village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, subject to section 2 of this Act, the Secretary of Agri-
4 culture is authorized and directed to sell, in tracts of not less
5 than 40 acres and at market value as determined by him,
6 and to convey to the Village of Central, State of New Mexico,
7 for the purpose of residential and business development, the
8 following described lands formerly part of the Fort Bayard
9 Military Reservation, Grant County, New Mexico, compris-

1 ing approximately one hundred and seventy-seven acres situ-
2 ated in section 35, township 17 south, range 13 west, New
3 Mexico principal meridian, more particularly described by
4 metes and bounds as follows:

5 Beginning at the southwest corner of the parcel herein
6 described, being a point on the northerly right-of-way line
7 of United States Highway Numbered 260 (New Mexico
8 State Highway Department project numbered F-013-1 (3),
9 whence the 2-mile corner on the south boundary of the
10 Fort Bayard Military Reservation (concrete monument in
11 place) bears south 02 degrees 20 minutes 30 seconds east,
12 366.78 feet distance:

13 thence north 01 degree 16 minutes 00 seconds west,
14 439.75 feet distance to a point;

15 thence north 80 degrees 06 minutes 10 seconds east,
16 496.21 meet distance to a point;

17 thence north 14 degrees 22 minutes 10 seconds west,
18 500.58 feet distance to the northwest corner of the
19 parcel herein described:

20 thence north 37 degrees 22 minutes 30 seconds east,
21 1,003.60 feet distance to a point;

22 thence north 13 degrees 48 minutes 30 seconds east,
23 439.35 feet distance to a point;

24 thence north 47 degrees 39 minutes 10 seconds east,
25 703.80 feet distance to a point;

1 thence north 48 degrees 30 minutes 00 second east,
2 490.75 feet distance to a point;

3 thence north 48 degrees 59 minutes 00 second east,
4 602.85 feet distance to a point;

5 thence north 49 degrees 39 minutes 00 second east,
6 235.52 feet distance to the northeast corner of the parcel
7 herein described, being a point on the westerly line of
8 the old Highway Numbered 180-260 (road to Fort
9 Bayard) ;

10 thence south 44 degrees 13 minutes 10 seconds east,
11 289.71 feet distance along said westerly line of road to
12 Fort Bayard to a point;

13 thence south 28 degrees 21 minutes 00 second east,
14 2,267.83 feet distance continuing along said westerly
15 line of road to Fort Bayard to a point;

16 thence south 11 degrees 27 minutes 00 second east,
17 355.34 feet distance continuing along said westerly line
18 of road to Fort Bayard to a point;

19 thence south 03 degrees 08 minutes 50 seconds west,
20 514.23 feet distance continuing along said westerly line
21 of road to Fort Bayard to a point;

22 thence south 09 degrees 47 minutes 20 seconds west,
23 112.40 feet distance continuing along said westerly line
24 of road to Fort Bayard to the southeast corner of the
25 parcel herein described, being identified as the intersec-

1 tion of said westerly line of road to Fort Bayard with
2 the northerly right-of-way line of new United States
3 Highway Numbered 260 (Project Numbered F-013-
4 1 (3)) ;

5 thence north 88 degrees 35 minutes 00 second west,
6 906.91 feet distance along the northerly right-of-way
7 line of United States Highway Numbered 260 to the
8 T-rail right-of-way marker on P.T. station 351+06.2;

9 thence southwesterly 2,435.21 feet distance continu-
10 ing along said northerly right-of-way line of United
11 States Highway Numbered 260 along the arc of a curve
12 bearing to the left and having a long chord bearing south
13 83 degrees 25 minutes 00 seconds west, 2,427.30 feet
14 distance to the T-Rail right-of-way marker on P.C.
15 Station 327+00;

16 thence south 75 degrees 25 minutes 00 seconds
17 west, 594.40 feet distance continuing along said north-
18 erly right-of-way line of United States Highway Num-
19 bered 260 to the southwest, and beginning corner of the
20 parcel herein described.

21 SEC. 2. The conveyance authorized by this Act (1) shall
22 protect existing valid rights, (2) shall reserve easements
23 for existing facilities such as roads, telephone lines, pipelines,
24 electric power transmission lines, or other facilities or im-
25 provements in place, and shall reserve such easements for

1 roads as the Secretary of Agriculture finds necessary to as-
2 sure access to lands of the United States or to meet public
3 needs, (3) shall reserve to the United States all mineral
4 rights, including gas and oil, in the land so conveyed, and
5 (4) may contain such additional terms, conditions, reserva-
6 tions, and restrictions as may be determined by the Secre-
7 tary of Agriculture to be necessary to protect the interests
8 of the United States.

A BILL

To authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

By Mr. MONTROYA

JULY 8, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

Senate
3

July 10, 1968

10. ELECTRIFICATION; RECREATION. Reps. Goodling and Eshleman commended the Holtwood hydroelectric project on the Susquehanna River in Pa. as a great recreational potential. pp. H6307-8
11. FARM PROGRAM. Rep. Kleppe inserted a copy of his letter to House Members commending the farm bill and urging their "thoughtful consideration." p. H6308
12. FOREIGN AID. Rep. Gonzalez spoke in support of the President's foreign aid program. p. H6308
Rep. Matsunaga stated in considering the foreign aid bill the House should consider "the impact of the foreign aid program upon the peoples of developing nations" and inserted an article, "Still Much To Be Done in Agriculture Aid." pp. H6316-18

SENATE

13. APPROPRIATIONS. The Appropriations Committee reported with amendments July 9, during adjournment, H. R. 17023, the independent offices and HUD appropriation bill (S. Rept. 1375). p. S8342
A subcommittee of the Appropriations Committee approved for full committee consideration H. R. 18188, the Department of Transportation appropriation bill. p. D657
14. LANDS. Passed without amendment H. R. 16065, to direct the Secretary of Agriculture to release certain conditions in deeds conveying lands to Iowa (p. S8391). This bill will now be sent to the President.
The Interior and Insular Affairs Committee reported with amendments S. 1385, relating to the disposition by the Secretary of the Interior of moneys obtained from the sale of materials from public lands (S. Rept. 1376). p. S8342
The Agriculture and Forestry Committee voted to report (but did not actually report) the following bills: ~~S. 3578, to authorize release of a condition in a deed conveying certain lands to S. G. (amended); S. 3687, to authorize release of a condition in a deed conveying certain lands to Ohio; and~~ S. 3736, to authorize the sale to Central, N. Mex., of certain lands which were formerly part of the Fort Bayard Military Reservation. p. D656
Sen. Jackson announced a hearing on legislation dealing with Alaska native land claims will be held before the Interior and Insular Affairs Committee on Fri., July 12, in Room 3110, New Senate Office Building. p. S8346
15. WILDERNESS. Passed as reported S. 3502, to designate certain lands in the Seney, Huron Islands, and Michigan Islands National Wildlife Refuges in Michigan, the Gravel Island and Green Bay National Wildlife Refuges in Wisconsin, and the Moosehorn National Wildlife Refuge in Maine, as wilderness. pp. S8340-1
Passed as reported S. 3425, to designate certain lands in the Monomoy National Wildlife Refuge Barnstable County, Mass., as wilderness. pp. S8339-40
Passed as reported S. 3379, to designate certain lands in the Great Swamp National Wildlife Refuge, Morris County, N. J., as wilderness. p. S8339
Passed as reported S. 3343, to designate certain lands in the Pelican Island National Wildlife Refuge, Indian River County, Fla., as wilderness. pp. S8338-9

16. RECREATION. Passed without amendment H. R. 4739, to authorize the Secretary of the Interior to grant long term leases with respect to lands in the El Portal administrative site adjacent to Yosemite National Park, Calif. p. S8340
17. LOANS. Passed without amendment H. R. 15562, to continue for 2 years, through June 30, 1970, the Farmers Home Administration's authority to make loans to lessee-operators of farmland in the State of Hawaii (p. S8341). This bill will now be sent to the President.
18. DAIRY. Passed without amendment S. 3638, to extend for three years the authority of the Secretary of Agriculture to make indemnity payments to dairy farmers for milk required to be withheld from commercial markets because it contains residues of chemicals registered and approved for use by the Federal Government. p. S8338
19. ELECTRIFICATION. Passed as reported S. 2445, to amend the Federal Power Act to clarify the licensing authority of the Commission and the right of the U. S. to take over a project or projects upon or after the expiration of any license shall be exercised. pp. S8389-90
20. TRANSPORTATION. Concurred in House amendments to S. 3102, to postpone for two years the date on which passenger vessels operating solely on the inland rivers and waterways must comply with certain safety standards (pp. S8388-9). This bill will now be sent to the President.
21. NOMINATION. Confirmed the nomination of James H. McCrocklin to be Under Secretary of Health, Education, and Welfare. pp. S8337, S8404
22. FARM PROGRAM. The Daily Digest states that the "Committee on Agriculture and Forestry, in executive session, by a vote of 10 to 5, ordered reported without amendments S. 3590, extending and improving programs to maintain farm income, stabilize prices, and assure adequate supplies of agricultural commodities. As approved by the committee the bill would provide a four-year extension of the present farm program, including the class-I milk base program. Committee agreed to strike the title of the bill relative to farm bargaining." p. D656
Sen. Long, Mo., expressed hope that the Senate will act this year on this bill to "benefit all farmers in Missouri and across the Nation." pp. S8372-3
23. WATERSHEDS. The Agriculture and Forestry Committee approved plans for works of improvement on several watershed projects. p. D656
24. MANPOWER. The Labor and Public Welfare Committee voted to report (but did not actually report) S. 2938, to extend certain expiring provisions under the Manpower Development and Training Act of 1962, as amended. p. D657
25. HUNGER. The Labor and Public Welfare Committee voted to report (but did not actually report) S. Res. 281, to establish a Select Committee on Nutrition and Human Needs. p. D657

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued September 9, 1968
For actions of September 6, 1968

CONTENTS

Adjournment.....	10	Green thumb.....	14	Personnel ceilings.....	18
Appropriations.....	1	Housing.....	11	Poverty.....	4
CCC.....	18	Information.....	17	Retirement.....	16
Employment.....	14	Lands.....	3	Roads.....	6
Expenditures.....	1,18	Manpower.....	7,12	Timber exports.....	8
Farm labor.....	11	Meat inspection.....	17	Trails.....	2
Foreign aid.....	8	Natural resources.....	13	Water resources.....	9
Firefighting.....	18	Opinion poll.....	15	World hunger.....	5

SENATE

1. APPROPRIATIONS. Passed, 45-8, with amendments H. R. 18037, the Labor, HEW, and related agencies appropriation bill (pp. S10347-8, S10350-10418). Adopted an amendment by Sen. Mundt to make available \$90,965,000 for "School assistance in federally affected areas" and providing that such funds shall not be subject to the Anti-Deficiency Statute and shall be exempt from limitations in the Revenue and Expenditure Control Act of 1968 (pp. S10350-60). Conferees were appointed (p. S10418). House conferees have not been appointed.
2. TRAILS. Sen. Jordan, Idaho, and Hansen replaced Sen. Kuchel and Allott as conferees on S. 827, the nationwide trails measure. p. S10373

3. LANDS. The Agriculture and Forestry Committee reported without amendment S. 3736. to authorize the Secretary of Agriculture to sell to the village of Central, N. Mex., part of the former Fort Bayard Military Reservation, N. Mex. (S. Rept. 1502). p. S10423
The Interior and Insular Affairs Committee approved for full committee consideration S. 3406, extending the time for filing applications for the selection of public lands by Alaska. p. D800
4. POVERTY. Sen. Percy was appointed to the Select Committee to Study the Unmet Basic Needs Among the People of the United States. pp. S10422-3
5. WORLD HUNGER. Sen. Dodd commended the International Red Cross on its stand not to wait any longer before moving emergency food into Biafra. p. S10350
Sen. Byrd, W. Va., inserted Sen. Bartlett's plea for increased food supplies to Biafra. pp. S10419-20
6. ROADS. Sen. Spong commended Sen. Randolph's role in securing passage of the Federal-Aid Highway Act of 1968. pp. S10424-6
7. MANPOWER. Sen. Murphy spoke favoring his amendment to the proposed Manpower Development and Training Act extension to provide States freedom and flexibility to assist the chronically unemployed and inserted supporting material. pp. S10435-37
8. TIMBER EXPORTS. Sen. Jordan, Idaho, urged the conference committee on the foreign aid bill to retain the amendment which would limit annually for the next five years the export of unprocessed logs from Western States to 350 million board feet. p. S10435
9. WATER RESOURCES. Sen. Hart discussed the recommendations of the Select Committee on National Water Resources and stated while legislation to effectuate the recommendations of the Committee has been enacted, the "necessary programs have not yet been fully implemented." pp. S10444-7
10. ADJOURNED until Mon., Sept. 9. p. 10452

EXTENSION OF REMARKS

11. FARM LABOR; HOUSING. Sen. Javits inserted an article telling how ex-migrant workers are being taught the fundamental skills of carpentry through the Suffolk County (N.Y.) Economic Opportunity Council to enable them to build their own homes. pp. E7721-2
12. MANPOWER. Speech in the House by Rep. Quie during debate on H. R. 15045, to extend certain expiring provisions under the Manpower Development and Training Act. p. E7727
13. NATURAL RESOURCES. Sen. Scott inserted a poem decrying the "mishandling" of forest and stream. p. E7733

Calendar No. 1487

90TH CONGRESS }
2d Session }

SENATE }

REPORT
No. 1502

SALE OF LANDS TO CENTRAL, N. MEX.

SEPTEMBER 6 (legislative day, SEPTEMBER 5), 1968.—Ordered to be printed

Mr. MONTROYA, from the Committee on Agriculture and Forestry,
submitted the following

R E P O R T

[To accompany S. 3736]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 3736) to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex., having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

This bill provides for the sale at market value of approximately 137 acres of land to the village of Central, N. Mex. The report of the Department of Agriculture, which further describes the objectives of the bill and advises that the Department has no objection to its enactment, is attached.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 3, 1968.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: This responds to your July 9, 1968, request for the views of this Department on S. 3736, a bill to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex.

We have no objection to the enactment of this bill.

S. 3736 would authorize and direct the Secretary of Agriculture to sell to the village of Central, N. Mex., certain lands, described in the bill, which are now administered by the Department of Agriculture through the Forest Service. Such sale would be for market value of the lands involved as determined by this Department. The described tract aggregates about 177 acres and under the bill it could be sold

in one or in several transactions, but any tract sold and conveyed would have to be at least 40 acres in size.

Any conveyance made under the bill would protect existing valid rights; it would reserve easements for existing facilities such as roads, telephone lines, transmission lines, and others. Conveyances also would reserve easements for roads necessary to assure access to lands of the United States or meet public needs and would reserve all mineral rights, including oil and gas. They could contain such additional terms, conditions, reservations or restrictions as the Secretary determines to be necessary to protect the interests of the United States.

The land described in S. 3736 is now a part of the former Fort Bayard tract which was assigned to this Department in 1941 and has been administered since then in connection with the Gila National Forest. It lies in close proximity to the village of Central but is separated from the present residential and business area by U.S. Highway 180, a divided four-lane highway. It fronts on this highway for a distance of nearly three-quarters of a mile. In general, it is vegetated with grass, some brush, and some pinon, juniper, and other woodland species of trees. Topographically it varies from nearly level to moderate slopes. It is accessible from the highway and from a tributary road which borders it on the east and leads to the State hospital a mile or so to the northeast.

The village of Central desires this tract as expansion area for the community. In the event the village does not need all of the land at one time provision is made for it to be purchased in one or several transactions of not less than 40 acres each. We understand that if the land is conveyed to the village it will be made available through sales of lots to private purchasers for development purposes. By the act approved July 11, 1957, Congress authorized sale to the village of a 58-acre parcel of the Fort Bayard tract. That parcel has been substantially improved. The village anticipates continued growth due to mining operations in the vicinity and the fact that a nearby town connected with copper mining is being eliminated to make room for additional mining operations.

We believe that provisions of the bill which would require sale at market value and the provisions of section 2 are adequate to protect the interests of the public in the sale of this tract. The lands now are being used by the Forest Service for the pasturage of Government livestock and in connection with game habitat and game management studies cooperatively being carried out by State and Federal officials. Until such time as it is purchased by the village it will continue to be used for these purposes. However, we do not believe that disposition of this relatively small area will adversely affect those activities or the needs of this Department to any substantial degree.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

○

Calendar No. 1487

90TH CONGRESS
2D SESSION

S. 3736

[Report No. 1502]

IN THE SENATE OF THE UNITED STATES

JULY 8, 1968

Mr. MONTONA introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 6 (legislative day, SEPTEMBER 5), 1968

Reported by Mr. MONTONA, without amendment

A BILL

To authorize the Secretary of Agriculture to sell to the Village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, subject to section 2 of this Act, the Secretary of Agri-
4 culture is authorized and directed to sell, in tracts of not less
5 than 40 acres and at market value as determined by him,
6 and to convey to the Village of Central, State of New Mexico,
7 for the purpose of residential and business development, the
8 following described lands formerly part of the Fort Bayard
9 Military Reservation, Grant County, New Mexico, compris-

1 ing approximately one hundred and seventy-seven acres situ-
2 ated in section 35, township 17 south, range 13 west, New
3 Mexico principal meridian, more particularly described by
4 metes and bounds as follows:

5 Beginning at the southwest corner of the parcel herein
6 described, being a point on the northerly right-of-way line
7 of United States Highway Numbered 260 (New Mexico
8 State Highway Department project numbered F-013-1 (3),
9 whence the 2-mile corner on the south boundary of the Fort
10 Bayard Military Reservation (concrete monument in place)
11 bears south 02 degrees 20 minutes 30 seconds east, 366.78
12 feet distance:

13 thence north 01 degree 16 minutes 00 seconds west,
14 439.75 feet distance to a point;

15 thence north 80 degrees 06 minutes 10 seconds east,
16 496.21 feet distance to a point;

17 thence north 14 degrees 22 minutes 10 seconds west,
18 500.58 feet distance to the northwest corner of the
19 parcel herein described;

20 thence north 37 degrees 22 minutes 30 seconds east,
21 1,003.60 feet distance to a point;

22 thence north 13 degrees 48 minutes 30 seconds east,
23 439.35 feet distance to a point;

24 thence north 47 degrees 39 minutes 10 seconds east,
25 703.80 feet distance to a point;

thence north 48 degrees 30 minutes 00 second east,
490.75 feet distance to a point;

thence north 48 degrees 59 minutes 00 second east,
602.85 feet distance to a point;

thence north 49 degrees 39 minutes 00 second east,
235.52 feet distance to the northeast corner of the parcel
herein described, being a point on the westerly line
of the old Highway Numbered 180-260 (road to Fort
Bayard) ;

thence south 44 degrees 13 minutes 10 seconds east,
289.71 feet distance along said westerly line of road to
Fort Bayard to a point;

thence south 28 degrees 21 minutes 00 second east,
2,267.83 feet distance continuing along said westerly
line of road to Fort Bayard to a point;

thence south 11 degrees 27 minutes 00 second east,
355.34 feet distance continuing along said westerly line
of road to Fort Bayard to a point;

thence south 03 degrees 08 minutes 50 seconds west,
514.23 feet distance continuing along said westerly line
of road to Fort Bayard to a point;

thence south 09 degrees 47 minutes 20 seconds west,
112.40 feet distance continuing along said westerly line
of road to Fort Bayard to the southeast corner of the
parcel herein described, being identified as the intersec-

tion of said westerly line of road to Fort Bayard with the northerly right-of-way line of new United States Highway Numbered 260 (Project Numbered F-013-1 (3)) ;

thence north 88 degrees 35 minutes 00 second west, 906.91 feet distance along the northerly right-of-way line of United States Highway Numbered 260 to the T-rail right-of-way marker on P.T. station 351+06.2;

thence southwesterly 2,435.21 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 along the arc of a curve bearing to the left and having a long chord bearing south 83 degrees 25 minutes 00 seconds west, 2,427.30 feet distance to the T-Rail right-of-way marker on P.C. Station 327+00;

thence south 75 degrees 25 minutes 00 seconds west, 594.40 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 to the southwest, and beginning corner of the parcel herein described.

SEC. 2. The conveyance authorized by this Act (1) shall protect existing valid rights, (2) shall reserve easements for existing facilities such as roads, telephone lines, pipelines, electric power transmission lines, or other facilities or improvements in place, and shall reserve such easements for

1 roads as the Secretary of Agriculture finds necessary to as-
2 sure access to lands of the United States or to meet public
3 needs, (3) shall reserve to the United States all mineral
4 rights, including gas and oil, in the land so conveyed, and
5 (4) may contain such additional terms, conditions, reserva-
6 tions, and restrictions as may be determined by the Secre-
7 tary of Agriculture to be necessary to protect the interests
8 of the United States.

A BILL

To authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

By Mr. MONTROYA

JULY 8, 1968

Read twice and referred to the Committee on
Agriculture and Forestry

SEPTEMBER 6 (legislative day, SEPTEMBER 5), 1968

Reported without amendment

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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OFFICE OF BUDGET AND FINANCE
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Issued September 12, 1968
For actions of September 11, 1968
90th-2nd; No. 147

CONTENTS

Appropriations.....2,15	Firefighters.....24	Personnel.....33
Beef labeling.....22	Foreign aid.....6,22	Pesticides.....16
Census.....26	Foreign trade.....17,28,29	Price support.....21
Cooperatives.....23	Guam.....4,13	Reclamation.....9,30
Economic development..4,13	Hunger.....36	Recreation.....18
Economics.....25	Industrial development..14	Redwood National Park....1
Education.....19	Lands.....3,11,31	Renegotiation Act.....14
Employment.....32	Loans.....12	Research.....34
Expenditures.....21	Monetary fund.....25	Transportation.....5
Farm prices.....20	Natives.....10	Wilderness.....8
Farm program.....22	Organization.....27,35	Wildlife.....7
Fertilizer.....6	Parity.....20	

HIGHLIGHTS: House received conference report on Redwood National Park.

HOUSE

1. REDWOOD NATIONAL PARK. Received the conference report on S. 2515, to authorize establishment of the Redwood National Park, Calif. (H. Rept. 1890). The conference committee recommends a park with an overall size of not more than 58,000 acres as compared with the Senate limit of 64,000 acres and the House limit of 28,500 acres. The conference substitute authorizes appropriation of \$92,000,000 for acquisition of land as compared with the Senate figure of \$100,000,000 and the House figure of \$56,750,000. pp. H8502-5
2. APPROPRIATIONS. Began debate on H. R. 18707, the Defense Department appropriation bill, 1969. pp. H8505-32

3. LANDS. Subcommittees of the Agriculture Committee approved for full committee action H. R. 18496, to authorize the sale of certain lands to Central, N. Mex., and H. R. 14388, to direct the Secretary of Agriculture to convey certain real property in the Agricultural Research Center, Beltsville, Md. p. D816
4. GUAM. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 15151, to promote the economic development of Guam. p. D816
5. TRANSPORTATION. Rep. Schwengel inserted editorials from numerous newspapers opposing the bill to increase weight and width limitations on trucks. pp. H8537-41
6. FOREIGN AID. Rep. Rodino criticized the "disappearance" of fertilizer shipped to India under the AID program and stated it is time for AID to "clamp down on black market operations resulting in heavy losses of much needed fertilizer, and to pack the material in bags in the United States with true weights, no loss of material, and printed with the AID emblem." pp. H8541-2
7. WILDLIFE. Received a GAO report on opportunities for improvement in policies for acquiring migratory waterfowl refuges. p. H8544

SENATE

8. WILDERNESS. The Interior and Insular Affairs Committee reported with amendment S. 2751, to designate wilderness areas in the Mount Jefferson Wilderness, Willamette, Deschutes, and Mount Hood National Forests, Oreg. (S. Rept. 1532). p. S10521
9. RECLAMATION. The Interior and Insular Affairs Committee reported without amendment H. R. 9362, to authorize the Mountain Park reclamation project, Okla. (S. Rept. 1533). p. S10521
10. NATIVES. The Interior and Insular Affairs Committee reported without amendment S. Con. Res. 11, to encourage development of programs to hiring American Indians and Alaska natives to a social and economic level of full participating citizens (S. Rept. 1535). p. S10521
11. LANDS. Passed without amendment S. 3736, to authorize the Secretary of Agriculture to sell to the village of Central N. Mex., part of the Fort Bayard Military Reservation, N. Mex. pp. S10501-2
12. LOANS. Passed as reported S. 2401, to authorize loans from the FHA Direct Loan Account to certain Indian tribes and tribal corporations, to acquire lands or interests therein within the tribe's reservation for use of the tribe or its members. p. S10507
13. GUAM. Passed as reported S. 3072, to authorize additional long-range economic development of Guam. pp. S10507-8



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Congressional Record

PROCEEDINGS AND DEBATES OF THE 90th CONGRESS, SECOND SESSION

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WASHINGTON, WEDNESDAY, SEPTEMBER 11, 1968

No. 147

Senate

The Senate met at 12 noon, and was called to order by the President pro tempore.

Rev. Edward B. Lewis, D.D., pastor, Capitol Hill United Methodist Church, Washington, D.C., offered the following prayer:

We seek to offer, our Heavenly Father, our heartfelt prayer. Words are inadequate to express our innermost feelings of praise and need. Our true prayer is the dominant desire of our heart.

What do we really seek with words and actions? We pray for peace and think war. We pray for justice for all and humanly protect our personal assets, set opinions, and interests. We pray for spiritual power and then worship at the idol of materialism.

Give us seeking hearts that cry out for the living God. "Create in me a clean heart, O God; and renew a right spirit within me," we pray with the Psalmist.

Knowing that you are our God who does not condemn human weakness but human malice and bad will, we place imperfect but willing hands in Thy hands to be led and directed.

Be with all our worthy leaders today, making of them instruments of peace, hope, and faith for our Nation and world.

We pray in the name of Him who paid an infinite price for our redemption. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 9, 1968, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3293) to authorize appropriations during the fiscal year 1969 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, research development, test, and evaluation for the Armed

Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The message also announced that the House insisted upon its amendment to the bill (S. 3068) to amend the Food Stamp Act of 1964, as amended, disagreed to by the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. POAGE, Mr. GATHINGS, Mr. PURCELL, Mr. FOLEY, Mr. BELCHER, Mr. TEAGUE of California, and Mrs. MAY were appointed managers on the part of the House at the conference.

The message further announced that the House had passed a bill (H.R. 15681) to consolidate and revise foreign assistance legislation relating to reimbursable military exports, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15681) to consolidate and revise foreign assistance legislation relating to reimbursable military exports, was read twice by its title and referred to the Committee on Foreign Relations.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the calendar, beginning with Calendar No. 1487 and the succeeding measures in sequence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SALE OF LANDS TO CENTRAL, N. MEX.

The bill (S. 3736) to authorize the Secretary of Agriculture to sell to the vil-

lage of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 2 of this Act, the Secretary of Agriculture is authorized and directed to sell, in tracts of not less than 40 acres and at market value as determined by him, and to convey to the Village of Central, State of New Mexico, for the purpose of residential and business development, the following described lands formerly part of the Fort Bayard Military Reservation, Grant County, New Mexico, comprising approximately one hundred and seventy-seven acres situated in section 35, township 17 south, range 13 west, New Mexico principal meridian, more particularly described by metes and bounds as follows:

Beginning at the southwest corner of the parcel herein described, being a point on the northerly right-of-way line of United States Highway Numbered 260 (New Mexico) State Highway Department project numbered F-013-1(3), whence the 2-mile corner on the south boundary of the Fort Bayard Military Reservation (concrete monument in place) bears south 02 degrees 20 minutes 30 seconds east, 366.78 feet distance:

thence north 01 degree 16 minutes 00 seconds west, 439.75 feet distance to a point;
thence north 80 degrees 06 minutes 10 seconds east, 496.21 feet distance to a point;
thence north 14 degrees 22 minutes 10 seconds west, 500.58 feet distance to the northwest corner of the parcel herein described;
thence north 37 degrees 22 minutes 30 seconds east, 1,003.60 feet distance to a point;
thence north 13 degrees 48 minutes 30 seconds east, 439.35 feet distance to a point;
thence north 47 degrees 39 minutes 10 seconds east, 703.80 feet distance to a point;
thence north 43 degrees 30 minutes 00 seconds east, 490.75 feet distance to a point;
thence north 48 degrees 59 minutes 00 seconds east, 602.85 feet distance to a point;
thence north 49 degrees 39 minutes 00 seconds east, 235.52 feet distance to the northeast corner of the parcel herein described, being a point on the westerly line of the old Highway Numbered 180-260 (road to Fort Bayard);

thence south 44 degrees 13 minutes 10 seconds east, 289.71 feet distance along said westerly line of road to Fort Bayard to a point;

thence south 28 degrees 21 minutes 00 seconds east, 2,267.83 feet distance continuing

S 10501

along said westerly line of road to Fort Bayard to a point;

thence south 11 degrees 27 minutes 00 seconds east, 355.34 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 03 degrees 08 minutes 50 seconds west, 514.23 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 09 degrees 47 minutes 20 seconds west, 112.40 feet distance continuing along said westerly line of road to Fort Bayard to the southeast corner of the parcel herein described, being identified as the intersection of said westerly line of road to Fort Bayard with the northerly right-of-way line of new United States Highway Numbered 260 (Project Numbered F-013-1(3));

thence north 88 degrees 35 minutes 00 seconds west, 906.91 feet distance along the northerly right-of-way line of United States Highway Numbered 260 to the T-rail right-of-way marker on P.T. station 351+06.2;

thence southwesterly 2,435.21 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 along the arc of a curve bearing to the left and having a long chord bearing south 83 degrees 25 minutes 00 seconds west, 2,427.30 feet distance to the T-rail right-of-way marker on P.C. station 327+00;

thence south 75 degrees 25 minutes 00 seconds west, 594.40 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 to the southwest, and beginning corner of the parcel herein described.

SEC. 2. The conveyance authorized by this Act (1) shall protect existing valid rights, (2) shall reserve easements for existing facilities such as roads, telephone lines, pipelines, electric power transmission lines, or other facilities or improvements in place, and shall reserve such easements for roads as the Secretary of Agriculture finds necessary to assure access to lands of the United States or to meet public needs, (3) shall reserve to the United States all mineral rights, including gas and oil, in the land so conveyed, and (4) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of Agriculture to be necessary to protect the interests of the United States.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1502), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

S. 3736 would authorize and direct the Secretary of Agriculture to sell to the village of Central, N. Mex., certain lands, described in the bill, which are now administered by the Department of Agriculture through the Forest Service. Such sale would be for market value of the lands involved as determined by that Department. The described tract aggregates about 177 acres and under the bill it could be sold in one or in several transactions, but any tract sold and conveyed would have to be at least 40 acres in size.

Any conveyance made under the bill would protect existing valid rights; it would reserve easements for existing facilities such as roads, telephone lines, transmission lines, and others. Conveyances also would reserve easements for roads necessary to assure access to lands of the United States or meet public needs and would reserve all mineral rights, including oil and gas. They could obtain such additional terms, conditions, reservations or restrictions as the Secretary determines to be necessary to protect the interests of the United States.

AUTHORIZATION FOR MILITARY SUPPORT TO THE SEVENTH NATIONAL JAMBOREE OF THE BOY SCOUTS OF AMERICA, FARRAGUT STATE PARK, IDAHO

The bill (H.R. 15268) to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1969 national jamboree, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1505), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

This bill would authorize the Secretary of Defense to lend military equipment and to provide services to the Boy Scouts of America in support of the seventh national jamboree to be held at Farragut State Park, Idaho, during July 1969.

EXPLANATION

It has become traditional for the Government to assist the Boy Scouts of America in connection with their national jamborees by lending equipment needed at the site of the encampment and by providing certain services.

The Seventh National Jamboree of the Boy Scouts of America will be held at Farragut State Park, Idaho, in July 1969. Approximately 40,000 scouts and officials are scheduled to attend the jamboree.

Equipment authorized to be loaned includes tents, cots, blankets, commissary equipment, flags, refrigerators, and similar items.

The services that may be provided are in the fields of communications, medicine, engineering, and logistics.

Only the equipment and services that are available and whose issue would not jeopardize the national defense program could be furnished under the bill.

The Boy Scouts of America would be required to furnish a bond for the safe return of the property to be loaned.

Under authority of the language "other equipment" and "other logistical services as may be necessary or useful," the following types of support have been furnished on a nonreimbursable basis in the past:

- (1) Specialized equipment for administrative support, and the operation of such equipment;
- (2) Personnel for security, accounting, and organizational maintenance of the equipment loaned;
- (3) Administrative support personnel such as supervisors, medical and dental technicians, military police and bandsmen; and
- (4) Temporary duty and per diem costs of the foregoing support personnel as authorized by law.

LEGISLATIVE HISTORY

The authority this bill would grant is similar to several previous enactments in support of the national jamboree of the Boy Scouts. Similar authority and support were provided the third, fourth, fifth, and sixth national jamborees by Public Laws 82-363, 84-638, 86-22, and 88-41.

COST

The Department of Defense is unable to estimate the fiscal aspects of this legislation. The expense has not been excessive in the past, and the committee considers that the nominal cost is justified by the nature of the activity to be supported.

BILL PASSED OVER

The bill (H.R. 18786) to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, and for other purposes, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

CORRECTING AN INEQUITY AFFECTING OFFICES OF THE SUPPLY CORPS AND CIVIL ENGINEER CORPS OF THE NAVY

The bill (H.R. 18146) to amend title 10, United States Code, to correct an inequity affecting officers of the Supply Corps and Civil Engineer Corps of the Navy was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1503), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to correct some defects that have been discovered in the definition of the term "total commissioned service" for certain staff corps officers of the Navy.

In summary, the bill provides with respect to Supply Corps and Civil Engineer Corps officers only, that prior active commissioned service in the line or some other Staff Corps will be counted as creditable years for the purposes of severance pay and mandatory retirement dates.

This bill is expected to affect only about two officers per year with respect to severance pay and will have a budget impact of approximately \$16,000 per annum. The recognition of such years for severance pay purposes would be significant only in regard to naval officers in the lower commissioned grades who have twice failed of promotion to the grade of lieutenant and lieutenant commander. Severance pay is not authorized for failure of selection to the higher grades.

With respect to the crediting of such years for mandatory retirement purposes, the bill contains a savings clause which precludes any present Supply Corps or Civil Engineer Corps officers from being mandatorily retired in their present grades earlier than they would have been retired under existing law.

BACKGROUND OF LEGISLATION

Section 6388 of title 10, United States Code, defines total commissioned service for staff corps officers for the purpose of (1) computing severance pay of lieutenants and lieutenants (junior grade) who are discharged following two failures of selection for promotion or after being found unsatisfactory and (2) determining the date on which officers in higher grades shall be retired mandatorily.

Under 10 U.S.C. 6388, as interpreted by the Comptroller General and the U.S. Court of Appeals for the District of Columbia Circuit, a staff corps officer who had prior service in the line of the Navy may count only his staff corps service in computing his total commissioned service if his initial appointment in a staff corps was in the grade of ensign or lieutenant (junior grade).

A substantial number of officers in the Supply Corps and the Civil Engineer Corps served for several years as line officers before their appointment in their present corps as ensigns or lieutenants (junior grade). Under present law, if such an officer has

90TH CONGRESS
2D SESSION

S. 3736

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 1968

Referred to the Committee on Agriculture

AN ACT

To authorize the Secretary of Agriculture to sell to the Village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, subject to section 2 of this Act, the Secretary of Agri-
4 culture is authorized and directed to sell, in tracts of not less
5 than 40 acres and at market value as determined by him,
6 and to convey to the Village of Central, State of New Mexico,
7 for the purpose of residential and business development, the
8 following described lands formerly part of the Fort Bayard
9 Military Reservation, Grant County, New Mexico, compris-

1 ing approximately one hundred and seventy-seven acres situ-
2 ated in section 35, township 17 south, range 13 west, New
3 Mexico principal meridian, more particularly described by
4 metes and bounds as follows:

5 Beginning at the southwest corner of the parcel herein
6 described, being a point on the northerly right-of-way line
7 of United States Highway Numbered 260 (New Mexico
8 State Highway Department project numbered F-013-1 (3)),
9 whence the 2-mile corner on the south boundary of the Fort
10 Bayard Military Reservation (concrete monument in place)
11 bears south 02 degrees 20 minutes 30 seconds east, 366.78
12 feet distance:

13 thence north 01 degree 16 minutes 00 seconds west,
14 439.75 feet distance to a point;

15 thence north 80 degrees 06 minutes 10 seconds east,
16 496.21 feet distance to a point;

17 thence north 14 degrees 22 minutes 10 seconds west,
18 500.58 feet distance to the northwest corner of the
19 parcel herein described;

20 thence north 37 degrees 22 minutes 30 seconds east,
21 1,003.60 feet distance to a point;

22 thence north 13 degrees 48 minutes 30 seconds east,
23 439.35 feet distance to a point;

24 thence north 47 degrees 39 minutes 10 seconds east,
25 703.80 feet distance to a point;

thence north 48 degrees 30 minutes 00 second east,
490.75 feet distance to a point;

thence north 48 degrees 59 minutes 00 second east,
602.85 feet distance to a point;

thence north 49 degrees 39 minutes 00 second east,
235.52 feet distance to the northeast corner of the parcel
herein described, being a point on the westerly line
of the old Highway Numbered 180-260 (road to Fort
Bayard) ;

thence south 44 degrees 13 minutes 10 seconds east,
289.71 feet distance along said westerly line of road to
Fort Bayard to a point;

thence south 28 degrees 21 minutes 00 second east,
2,267.83 feet distance continuing along said westerly
line of road to Fort Bayard to a point;

thence south 11 degrees 27 minutes 00 second east,
355.34 feet distance continuing along said westerly line
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thence south 03 degrees 08 minutes 50 seconds west,
514.23 feet distance continuing along said westerly line
of road to Fort Bayard to a point;

thence south 09 degrees 47 minutes 20 seconds west,
112.40 feet distance continuing along said westerly line
of road to Fort Bayard to the southeast corner of the
parcel herein described, being identified as the intersec-

tion of said westerly line of road to Fort Bayard with the northerly right-of-way line of new United States Highway Numbered 260 (Project Numbered F-013-1 (3)) ;

thence north 88 degrees 35 minutes 00 second west, 906.91 feet distance along the northerly right-of-way line of United States Highway Numbered 260 to the T-rail right-of-way marker on P.T. station 351+06.2;

thence southwesterly 2,435.21 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 along the arc of a curve bearing to the left and having a long chord bearing south 83 degrees 25 minutes 00 seconds west, 2,427.30 feet distance to the T-Rail right-of-way marker on P.C. Station 327+00;

thence south 75 degrees 25 minutes 00 seconds west, 594.40 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 to the southwest, and beginning corner of the parcel herein described.

SEC. 2. The conveyance authorized by this Act (1) shall protect existing valid rights, (2) shall reserve easements for existing facilities such as roads, telephone lines, pipelines, electric power transmission lines, or other facilities or improvements in place, and shall reserve such easements for

1 roads as the Secretary of Agriculture finds necessary to as-
2 sure access to lands of the United States or to meet public
3 needs, (3) shall reserve to the United States all mineral
4 rights, including gas and oil, in the land so conveyed, and
5 (4) may contain such additional terms, conditions, reserva-
6 tions, and restrictions as may be determined by the Secre-
7 tary of Agriculture to be necessary to protect the interests
8 of the United States.

Passed the Senate September 11, 1968.

Attest:

FRANCIS R. VALEO,

Secretary.

AN ACT

To authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

SEPTEMBER 12, 1968

Referred to the Committee on Agriculture

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued October 1, 1968
For actions of September 30, 1968
90th-2nd; No. 160

CONTENTS

Aging.....	16,24	Horses.....	3	Price support.....	9
Appropriations.....	10,12	Hunger.....	15	Retirement.....	23
Assistant Secretary.....	5	Information.....	19	Scenic rivers.....	8
Balance of payments.....	4	Intergovernmental		SCS.....	17
Contracts.....	21	cooperation.....	1	Social security.....	7
Data processing.....	6	Lands.....	2	Taxation.....	3,13
Education.....	14,18	Legislative program.....	11	Time.....	22
Expenditures.....	19	National goals.....	9	Travel.....	4
Farm gasoline.....	3	Paper waste.....	6	Typewriters.....	19
Gooseberries.....	3	Personnel.....	17,23	Wildlife.....	20

HIGHLIGHTS. House received conference report on intergovernmental cooperation bill. Rep. Talcott criticized "paper waste" in USDA. Senate passed continuing appropriations resolution.

HOUSE

1. INTERGOVERNMENTAL COOPERATION. Received the conference report on S. 698, the proposed Intergovernmental Cooperation Act of 1968 (H. Rept. 1934). pp. H9260-64
2. LANDS. The Agriculture Committee reported with amendment S. 3736, to authorize the Secretary of Agriculture to sell to the village of Central, N. Mex., certain lands administered by him formerly part of the Fort Bayard Military Reservation (H. Rept. 1933). p. H9255

3. TAXATION. Passed as reported H. R. 17332, to extend the time for claiming a credit or refund of excise tax on gasoline used on a farm or for other non-highway purposes. pp. H9265-7
Passed as reported H. R. 14095, to amend the Internal Revenue Code of 1954 to make certain changes to facilitate the production of wine. pp. H9272-3
Passed with amendment H. R. 15003, to amend the Tariff Schedules of the United States so as to prevent the payment of multiple customs duties in the case of horses temporarily exported for the purpose of racing. pp. H9270-1
Concurred in the Senate amendments to H. R. 2155, to amend the Tariff Schedules of the United States with respect to the classification of Chinese gooseberries. This bill will now be sent to the President. p. H9276
4. TRAVEL. Received from Commerce a proposed bill to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States; to Interstate and Foreign Commerce Committee. p. H9295
5. ASSISTANT SECRETARY. Received from Treasury a proposed bill to provide for an additional Assistant Secretary in the Treasury Department; to Ways and Means Committee. p. H9295
6. PAPER WASTE. Rep. Talcott criticized the "waste of paper" and the "waste of electronic data processing facilities" in the Government and stated that this Department "is one of the greatest paper offenders in the Federal Government." p. H9292
7. SOCIAL SECURITY. Rep. Addabbo inserted the text of a statement by Social Security Commissioner Ball issued to clear up "misunderstandings" created by notices and leaflets being distributed on the streets "alleging that a bill before Congress would convert the social security program into a welfare-type program." pp. H9293-4
8. SCENIC RIVERS. Rep. Saylor defended his efforts to have the Clarion River in Pa. included in the scenic rivers system. pp. H9292-3
9. NATIONAL GOALS. Rep. Gubser outlined a set of national goals upon which to build a better America in which he advocated "a proper balance between government of the lesser and intermediate communities and the Federal Government," that "agricultural price supports should be abolished" and a "permanent Hoover Commission should be established." pp. H9288-91
10. APPROPRIATIONS. The conferees were given until midnight, Sept. 30, to file a report on H. R. 18037, the Labor, HEW appropriation bill. p. H9253
11. LEGISLATIVE PROGRAM. Under a unanimous consent agreement the House may consider tomorrow or any day this week, H. R. 19418, to expedite the retirement of Government capital from the Federal intermediate credit banks, and H. R. 19747, to improve the Older Americans Act. p. H9276

LAND SALE TO VILLAGE OF CENTRAL, N. MEX.

SEPTEMBER 30, 1968.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. POAGE, from the Committee on Agriculture,
submitted the following

REPORT

[To accompany S. 3736]

The Committee on Agriculture, to whom was referred the bill (S. 3736) to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him, formerly part of the Fort Bayard Military Reservation, N. Mex., having considered the same, report favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendments are as follows:

COMMITTEE AMENDMENT

Page 1, line 3, strike out "section 2" and insert in lieu thereof, "other provisions".

Page 5, beginning on line 3, strike out "(3) shall reserve to the United States all mineral rights, including gas and oil, in the land so conveyed, and (4)" and insert in lieu thereof, "and (3)".

Add four new sections to the bill as follows:

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land sold pursuant to this Act shall be conveyed to the Village of Central, State of New Mexico, or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into

consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

GENERAL STATEMENT

S. 3736 would authorize and direct the Secretary of Agriculture to sell to the village of Central, N. Mex., certain lands, described in the bill, which are now administered by the Department of Agriculture through the Forest Service. Such sale would be for the market value of the lands involved as determined by the Secretary of Agriculture. The entire tract involves approximately 177 acres, and under the bill it could be sold in one or in several transactions, provided that any tract sold and conveyed would have to be at least 40 acres in size.

The land involved is now a part of the former Fort Bayard tract which was assigned to the Department of Agriculture in 1941 and has since been administered in connection with the Gila National Forest.

The land is now being used by the Forest Service for the pasturage of Government livestock and in connection with various wild game studies conducted in cooperation with State and Federal agencies.

A brief history of the background of these lands follows:

SEC. 4. Each application made under the provisions of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

FORT BAYARD MILITARY RESERVATION, N. MEX.

Background

Fort Bayard Military Reservation was established in April of 1869. As delineated, it includes 13,479 acres. This area consists of 8,200 acres of the original military withdrawal; 2,353 acres acquired by the War Department in 1907 to protect the water supply stemming from the Cameron Creek watershed; and 2,926 acres reserved from the public domain for the Gila National Forest and also withdrawn from entry or disposal at the request of the Army for the specific purpose of protecting the Fort Bayard water sources. Fort Bayard was used for many years as active military post and Army hospital.

In 1921 administration of the reservation was transferred to the Public Health Service and later to the Veterans' Administration. In 1941 all of the reservation except 640 acres was transferred to the Department of Agriculture for administration by the Forest Service in connection with the Gila National Forest. The 640 acres retained by the Veterans' Administration surrounded the hospital and continued to be used in connection with it.

Transfer of the other land to the Department of Agriculture is subject to the restriction that it not be subject to appropriation under any of the public land laws and that no use be made of such lands, such as mining or grazing activities, which will endanger the water supply of the Bayard facility. Purpose of this restriction in the transfer was to be sure that the lands are managed and used to protect and enhance the all important watershed functions in connection with the hospital facilities.

In 1958, 58 acres south of U.S. Highway 180 were sold to the village of Central. In 1965, the Veterans' Administration moved its patients from the hospital and later the facility and surrounding land was leased to the State of New Mexico which is now operating the hospital. The Veterans' Administration still maintains the 15-acre cemetery. Of the original 640-acre tract held for use in protection of the hospital facility, 156 acres have since been withdrawn, and reserved for an administrative site for the Forest Service.

Characteristics

Topographically the land is gently rolling hills with elevations between 6,000 and 6,500 feet. Vegetative cover is largely pinion and juniper of varying densities with a good mixture of palatable browse species and grass as an understory. Annual rainfall has averaged 18.67 inches since the records have been kept at Fort Bayard, beginning about 1870. Extremes of rainfall have ranged from 31 inches to a little less than 6 inches per year. Soils generally are of basalt origin and relatively shallow except along the broad drainage bottoms. According to the records, the area was badly overgrazed in earlier years. Evidence still exists of past sheet and gully erosion, soil depletion, and impairment of ground cover. Damage to the soil and cover was severe in many sections of the reservation.

Present uses

The Fort Bayard tract, together with adjacent national forest lands, still is highly valuable watershed, both for the State hospital and as

ground water supply for nearby communities. Present management therefore is aimed at protecting and enhancing the watershed resource. Only light grazing use is permitted. Primarily this is by national forest horses and mules. The area has accommodate 40 to 60 head of Government horses during the winter (nonuse) season plus 6 to 8 head yearlong. A horse training center has been located on the area for the breaking and training of young horses for Forest Service administrative use but this will be abandoned within a year or so.

Studies of the flora and fauna have been in progress in the Fort Bayard area since the Army days. These studies are of a continuing nature yielding more information each year. A cooperative project supported by the New Mexico Department of Game and Fish, the Bureau of Sport Fisheries of the Department of the Interior, the Rocky Mountain Forest and Range Experiment Station, and the Southwestern Region of the Forest Service has been carried out since 1964. This involves 1,137 permanent research plots for the study of vegetation, succession, impact of game and domestic grazing on the vegetations, factors germane to game management in the ecological type which the reservation represents and like information.

The Fort Bayard land is available for hunting, hiking, riding, and other outdoor recreational pursuits, subject to necessary restrictions to protect the safety of the State hospital and its people.

Future use

The Fort Bayard land has substantial and continuing value and importance for public purposes. It should be conserved, protected, and managed to preserve and enhance its watershed values, to make its wildlife and recreation resources available for public use, to accommodate management needs of the Forest Service for winter pasturage for Government horses and mules within limitations of good watershed practices, and for such utilization of the woodland timber stands as is practical and feasible in the area. To assure permanent protection and management of the soil, watershed, and other resources, the portion outside the Gila National Forest should be included in that national forest, except the hospital tract which is being used by the State.

NEED FOR THE LEGISLATION

The village of Central desires this tract as expansion area for its citizens. It is anticipated the land will be divided into lots by private developers after it is obtained by the village of Central. The village has already purchased a 58-acre parcel of other land of the Fort Bayard tract under authority of an act of Congress approved on July 11, 1957.

The village anticipates continued growth due to mining operations in the vicinity and because a nearby town, Santa Rita, which is connected with copper mining, is virtually being eliminated to make room for additional mining operations.

COMMITTEE AMENDMENTS

The committee adopted amendments designed to assure that the mineral rights on the land involved would be conveyed at the fair market value to the village of Central or its successors in title upon

application. The Secretary of the Interior would make a determination of the value of any such mineral rights. If the Secretary of the Interior determines that the lands "have no mineral value" the mineral rights would be conveyed to the applicant for the consideration of \$1. If mineral value does exist, the applicant would have the opportunity to purchase them from the Federal Government at fair market value as determined by the Secretary of the Interior.

The applicant would be required to make a nonrefundable deposit to cover administrative costs incurred by the Secretary of the Interior in determining the mineral value of the land.

The committee feels that it is most important that the mineral rights to this land not be severed from the surface rights. These amendments were adopted to secure for the village of Central (or its successors in title, if the village does not care to obtain title to the mineral rights) the right to purchase the mineral rights of this land at fair market value from the Federal Government.

The Department informally advised the committee that they have no specific knowledge as to the nature or extent of the minerals underlying this land.

COST

Enactment of S. 3736 would not result in any additional expenditures by the Federal Government.

HEARINGS

On September 11, 1968, hearings were held by the Subcommittee on Forests on H.R. 18496 by Mr. Walker of New Mexico, a bill identical to S. 3736.

DEPARTMENTAL REPORT

Following is the Department of Agriculture's favorable report on H.R. 18496.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 3, 1968.

HON. W. R. POAGE,
*Chairman, Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: This is our report on H.R. 18496, a bill to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex.

We have no objection to the enactment of this bill.

H.R. 18496 would authorize and direct the Secretary of Agriculture to sell to the village of Central, N. Mex., certain lands, described in the bill, which are now administered by the Department of Agriculture through the Forest Service. Such sale would be for market value of the lands involved as determined by this Department. The described tract aggregates about 177 acres and under the bill it would be sold in one or in several transactions, but any tract sold and conveyed would have to be at least 40 acres in size.

Any conveyance made under the bill would protect existing valid rights; it would reserve easements for existing facilities such as roads, telephone lines, transmission lines, and others. Conveyances also would reserve easements for roads necessary to assure access to lands of the United States or meet public needs and would reserve all mineral rights, including oil and gas. They could contain such additional terms, conditions, reservations, or restrictions as the Secretary determines to be necessary to protect the interests of the United States.

The land described in H.R. 18496 is now a part of the former Fort Bayard tract which was assigned to this Department in 1941 and has been administered since then in connection with the Gila National Forest. It lies in close proximity to the village of Central but is separated from the present residential and business area by U.S. Highway 180, a divided four-lane highway. It fronts on this highway for a distance of nearly three-quarters of a mile. In general, it is vegetated with grass, some brush, and some pinon, juniper, and other woodland species of trees. Topographically it varies from nearly level to moderate slopes. It is accessible from the highway and from a tributary road which borders it on the east and leads to the State hospital a mile or so to the northeast.

The village of Central desires this tract as expansion area for the community. In the event the village does not need all of the land at one time provision is made for it to be purchased in one or several transactions of not less than 40 acres each. We understand that if the land is conveyed to the village it will be made available through sales of lots to private purchasers for development purposes. By the act approved July 11, 1957, Congress authorized sale to the village of a 58-acre parcel of the Fort Bayard tract. That parcel has been substantially improved. The village anticipates continued growth due to mining operations in the vicinity and the fact that a nearby town connected with copper mining is being eliminated to make room for additional mining operations.

We believe that provisions of the bill which would require sale at market value and the provisions of section 2 are adequate to protect the interests of the public in the sale of this tract. The lands now are being used by the Forest Service for the pasturage of Government livestock and in connection with game habitat and game management studies cooperatively being carried out by State and Federal officials. Until such time as it is purchased by the village it will continue to be used for these purposes. However, we do not believe that disposition of this relatively small area will adversely affect those activities or the needs of this Department to any substantial degree.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,
Secretary.

○

S. 3736

[Report No. 1933]

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 1968

Referred to the Committee on Agriculture

SEPTEMBER 30, 1968

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

AN ACT

To authorize the Secretary of Agriculture to sell to the Village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, subject to ~~section 2~~ *other provisions* of this Act, the
4 Secretary of Agriculture is authorized and directed to sell, in
5 tracts of not less than 40 acres and at market value as deter-
6 mined by him, and to convey to the Village of Central, State
7 of New Mexico, for the purpose of residential and business
8 development, the following described lands formerly part of
9 the Fort Bayard Military Reservation, Grant County, New

1 Mexico, comprising approximately one hundred and seventy-
2 seven acres situated in section 35, township 17 south, range
3 13 west, New Mexico principal meridian, more particularly
4 described by metes and bounds as follows:

5 Beginning at the southwest corner of the parcel herein
6 described, being a point on the northerly right-of-way line
7 of United States Highway Numbered 260 (New Mexico
8 State Highway Department project numbered F-013-1 (3)),
9 whence the 2-mile corner on the south boundary of the Fort
10 Bayard Military Reservation (concrete monument in place)
11 bears south 02 degrees 20 minutes 30 seconds east, 366.78
12 feet distance:

13 thence north 01 degree 16 minutes 00 seconds west,
14 439.75 feet distance to a point;

15 thence north 80 degrees 06 minutes 10 seconds east,
16 496.21 feet distance to a point;

17 thence north 14 degrees 22 minutes 10 seconds west,
18 500.58 feet distance to the northwest corner of the
19 parcel herein described;

20 thence north 37 degrees 22 minutes 30 seconds east,
21 1,003.60 feet distance to a point;

22 thence north 13 degrees 48 minutes 30 seconds east,
23 439.35 feet distance to a point;

24 thence north 47 degrees 39 minutes 10 seconds east,
25 703.80 feet distance to a point;

1 thence north 48 degrees 30 minutes 00 second east,
2 490.75 feet distance to a point;

3 thence north 48 degrees 59 minutes 00 second east,
4 602.85 feet distance to a point;

5 thence north 49 degrees 39 minutes 00 second east,
6 235.52 feet distance to the northeast corner of the
7 parcel herein described, being a point on the westerly
8 line of the old Highway Numbered 180-260 (road to
9 Fort Bayard) ;

10 thence south 44 degrees 13 minutes 10 seconds east,
11 289.71 feet distance along said westerly line of road to
12 Fort Bayard to a point;

13 thence south 28 degrees 21 minutes 00 second east,
14 2,267.83 feet distance continuing along said westerly
15 line of road to Fort Bayard to a point;

16 thence south 11 degrees 27 minutes 00 second east,
17 355.34 feet distance continuing long said westerly line of
18 road to Fort Bayard to a point;

19 thence south 03 degrees 08 minutes 50 seconds
20 west, 514.23 feet distance continuing along said westerly
21 line of road to Fort Bayard to a point;

22 thence south 09 degrees 47 minutes 20 seconds
23 west, 112.40 feet distance continuing along said westerly
24 line of road to Fort Bayard to the southeast corner of
25 the parcel herein described, being identified as the

1 intersection of said westerly line of road to Fort Bayard
2 with the northerly right-of-way line of new United
3 States Highway Numbered 260 (Project Numbered
4 F-013-1 (3))

5 thence north 88 degrees 35 minutes 00 second west,
6 906.91 feet distance along the northerly right-of-way
7 line of United States Highway Numbered 260 to the
8 T-rail right-of-way marker on P.T. station 351+06.2;

9 thence southwesterly 2,435.21 feet distance continu-
10 ing along said northerly right-of-way line of United
11 States Highway Numbered 260 along the arc of a curve
12 bearing to the left and having a long chord bearing south
13 83 degrees 25 minutes 00 second west, 2,427.30 feet
14 distance to the T-Rail right-of-way marker on P.C.
15 station 327+00;

16 thence south 75 degrees 25 minutes 00 second west,
17 594.40 feet distance continuing along said northerly
18 right-of-way line of United States Highway Numbered
19 260 to the southwest, and beginning corner of the parcel
20 herein described.

21 SEC. 2. The conveyance authorized by this Act (1) shall
22 protect existing valid rights, (2) shall reserve easements
23 for existing facilities such as roads, telephone lines, pipelines,
24 electric power transmission lines, or other facilities or im-
25 provements in place, and shall reserve such easements for

roads as the Secretary of Agriculture finds necessary to assure access to lands of the United States or to meet public needs, ~~(3)~~ shall reserve to the United States all mineral rights, including gas and oil, in the land so conveyed, and ~~(4)~~ and (3) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of Agriculture to be necessary to protect the interests of the United States.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land sold pursuant to this Act shall be conveyed to the Village of Central, State of New Mexico, or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant

1 shall pay to the Secretary of the Interior the full administra-
2 tive costs, less the deposit. If a conveyance is not made pur-
3 suant to an application filed under this Act, the deposit shall
4 constitute full satisfaction of such administrative costs not-
5 withstanding that the administrative costs exceed the deposit.

6 SEC. 5. The term "administrative costs" as used in this
7 Act includes, in addition to other items, all costs which the
8 Secretary of the Interior determines are included in a deter-
9 mination of (1) the mineral character of the land in question,
10 and (2) the fair market value of the mineral interest.

11 SEC. 6. Amounts paid to the Secretary of the Interior
12 under the provisions of this Act shall be paid into the Treas-
13 ury of the United States as miscellaneous receipts.

Passed the Senate September 11, 1968.

Attest:

FRANCIS R. VALEO,

Secretary.

90TH CONGRESS
2D Session

S. 3736

[Report No. 1933]

AN ACT

To authorize the Secretary of Agriculture to sell to the Village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

SEPTEMBER 12, 1968

Referred to the Committee on Agriculture

SEPTEMBER 30, 1968

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

House

Oct 7, 1968

"Expenditures for farm price supports and public assistance grants stand on the same footing. They are essentially uncontrollable through the annual budget and appropriation process because they are fixed and determined under provisions in various basic laws which, as a very practical matter, cannot be abrogated or effectively controlled through the annual appropriation bills. And they are so classified in the January budget, on page 15, along with the exempted items of interest, veterans benefits and social security.

"As was the case with the original exemptions noted, the further exemptions proposed in section 1002 do not impinge in any way upon the mandated reductions of at least \$6 billion in expenditures and at least \$10 billion in new budget authority proposed in the January budget. Those reductions still hold; under the law, they still must be made.

"The House, in specific bills, has already made reductions of between \$12 and \$13 billion in new budget authority requests, and something in the area of \$4 billion in expenditure reductions. With two large appropriation bills and certain other spending bills still pending, it is too early to state with precision, but there is every indication the final results will show specific congressional reductions in excess of \$10 billion in the budget authority requests. On expenditures and net lending, the final result of congressional actions may range in the area of \$3.3 to \$3.5 billion in reductions, which means that the President will have to make the additional reductions necessary to achieve the \$6 billion required by the law.

"In the absence of exemption action, about \$7.2 billion--perhaps even more--in reductions would be necessary in order to offset the mandatory overruns on farm price supports and public assistance now indicated and still secure the net cut of \$6 billion in non-exempted areas. According to the Summer Review of the 1969 Budget issued by the Executive Branch on September 9, failure to make the exemptions in section 1002 would mean that the offsetting reductions would be disruptive, and even disastrous, to many of the well-established programs of the Departments of Agriculture and Health, Education, and Welfare that are important to agriculture and to the people and the economy generally, including the consumer.

"Thus, section 1002 is proposed in order to prevent the Revenue and Expenditure Control Act from requiring a \$7.2 billion, or perhaps even larger, expenditure-net lending reduction, instead of the \$6 billion intended by Congress, and in order to meet additional unforeseen problems. And, enactment of section 1002 as proposed in the bill should enable the Department of Agriculture to lift its restriction against new starts of SCS projects.

"The Committee did not think it was necessary to place specific dollar ceilings on the new obligational and loan authority side of the two exemptions in section 1002. As noted, in specific actions in the appropriation bills and other bills having impact on such authority, Congress will more than meet the \$10 billion minimum reduction goal. The President, under section 202 of the law, will have to make additional obligational authority reductions in order to secure the remainder of the \$6 billion expenditure reduction, and it may be that a portion would fall against carryover obligational authority as well as some against new authority; the 'mix' is in the discretion of the President. And as to the farm price supports portion, the added amount falls in the permanent authority category of contract authorization not requiring annual appropriation action. The immediate, and key numbers are those on expenditures and net lending, and it is these that section 1002 would limit by specific dollar amount."

Conferees were appointed on H. R. 18707, the Defense Department appropriation bill, 1969, and H. R. 19908, the foreign aid appropriation bill, 1969. Senate conferees have been appointed on both bills. The conferees on H. R. 19908 were given until midnight, Oct. 7, to file a report. pp. H9514-15

2. LANDS. Passed as reported S. 3736, to authorize the Secretary of Agriculture to sell to the village of Central, N. Mex., certain lands which are now administered by the Department of Agriculture through the Forest Service. p. H9519
3. PERSONNEL. Passed as reported H. R. 16558, to amend title 5, United States Code, to expand the use of the U. S. Civil Service Commission's revolving fund to include the financing of all reimbursable services performed by the Commission for other departments and agencies of the Government. p. H9517
4. POLLUTION. Passed, 277-0, under suspension of the rules S. 3206, to amend the Federal Water Pollution Control Act, as amended, relating to the control of oil and hazardous substances; financing the construction of waste treatment works; to the conduct of water pollution control research; and to the control of sewage from vessels. pp. H9522-43
5. GUAM. Passed with amendment S. 1763, to promote the economic development of Guam. The language of H. R. 15151, a similar bill passed earlier (279-0) under suspension of the rules, was substituted for that of S. 1763, and H. R. 15151 was tabled. pp. H9543-7
6. DAIRY PROGRAM. Passed, 201-76, under suspension of the rules H. R. 19910, to amend provisions of the Agricultural Marketing Agreement Act relating to the class I dairy program. Rep. Foley explained that there were committee amendments which would (1) require that additional allowances be made for new producers who wish to come in without any waiting period to earn a base; (2) delete section 2, which deals with dues checkoff for promotion research; and (3) insure that there would be individual voting in each of the base plan elections authorized under the bill; and that the amendments were included in his motion to suspend the rules. pp. H9551-6
7. NOXIOUS PLANTS. Passed under suspension of the rules S. 2671, to provide for the control of noxious plants on land under the control or jurisdiction of the Federal Government. pp. H9556-8
8. TRANSPORTATION. Rep. Schwengel inserted newspaper articles opposing the so-called truckers bill. pp. H9580-1
9. HEALTH. Rep. Van Deerline spoke in favor of H. R. 10790, the proposed Radiation Control for Health and Safety Act. p. H9515
10. LEGISLATIVE PROCESS. Rep. Hall questioned plans to consider several bills which, he indicated, had been reported by the Post Office and Civil Service Committee without a quorum being present. The Speaker replied that the bills would be considered under a motion which would suspend all rules. pp. H9515-6
11. REPORTS. Reps. Madden, Smith of Iowa, and Bolton inserted reports to their constituents, including items of interest to this Department. pp. H9568-70, H9581-7

retary of the Army for use in connection with the Sentinel system perimeter acquisition radar site: *Provided*, That if the Commonwealth of Massachusetts is unable to convey to the United States unrestricted fee simple title to said real property, the Secretary of the Army may acquire such real property by condemnation proceedings on behalf of the United States. The property thus acquired shall be considered satisfactory for the purposes of this exchange.

SEC. 4. The real property authorized to be exchanged and referred to in the preceding sections is located in Essex County, Massachusetts.

(a) The property to be conveyed to the United States referred to in section 3 of this Act comprises approximately one hundred and sixty acres of land, located within the confines of the Massachusetts forest land preserve, and generally depicted on the real estate project map, Sentinel PAR site, Sharpners Pond, Massachusetts, on file in the office of the Division Engineer, United States Army Engineer Division, New England, Waltham, Massachusetts.

(b) The property to be acquired by the Secretary of the Army and conveyed to the Commonwealth of Massachusetts, referred to in sections 1 and 2 of this Act shall be designated by the Commonwealth of Massachusetts, and shall comprise the approximate same number of acres of land as are conveyed to the United States.

(c) The exact descriptions and acreage are to be determined by accurate surveys as mutually agreed upon between the Commonwealth of Massachusetts and the Secretary of the Army.

SEC. 5. The exchange authorized by this Act shall not be made unless the Secretary of the Army determines that the values of the properties so exchanged are approximately equal, or if they are not equal, the values shall be equalized by the payment of cash to the Secretary of the Army or the Commonwealth of Massachusetts as the circumstances require. Any cash payment received by the Secretary shall be credited to the appropriation used to acquire the property under section 1 of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAND SALE TO VILLAGE OF CENTRAL, N. MEX.

The Clerk called the bill (S. 3736) to authorize the Secretary of Agriculture to sell the Village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex.

There being no objection, the Clerk read the bill, as follows:

S. 3736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 2 of this Act, the Secretary of Agriculture is authorized and directed to sell, in tracts of not less than 40 acres and at market value as determined by him, and to convey to the Village of Central, State of New Mexico, for the purpose of residential and business development, the following described lands formerly part of the Fort Bayard Military Reservation, Grant County, New Mexico, comprising approximately one hundred and seventy-seven acres situated in section 35, township 17 south, range 13 west, New Mexico principal meridian, more particularly described by metes and bounds as follows:

Beginning at the southwest corner of the parcel herein described, being a point on

the northerly right-of-way line of United States Highway Numbered 260 (New Mexico State Highway Department project numbered F-013-1(3)), whence the 2-mile corner on the south boundary of the Fort Bayard Military Reservation (concrete monument in place) bears south 02 degrees 20 minutes 30 seconds east, 366.78 feet distance:

thence north 01 degree 16 minutes 00 seconds west, 439.75 feet distance to a point;

thence north 80 degrees 06 minutes 10 seconds east, 496.21 feet distance to a point;

thence north 14 degrees 22 minutes 10 seconds west, 500.58 feet distance to the northwest corner of the parcel herein described;

thence north 37 degrees 22 minutes 30 seconds east, 1,003.60 feet distance to a point;

thence north 13 degrees 48 minutes 30 seconds east, 439.35 feet distance to a point;

thence north 47 degrees 39 minutes 10 seconds east, 703.80 feet distance to a point;

thence north 48 degrees 30 minutes 00 second east, 490.75 feet distance to a point;

thence north 48 degrees 59 minutes 00 second east, 602.85 feet distance to a point;

thence north 49 degrees 39 minutes 00 second east, 235.52 feet distance to the northeast corner of the parcel herein described, being a point on the westerly line of the old Highway Numbered 180-260 (road to Fort Bayard);

thence south 44 degrees 13 minutes 10 seconds east, 289.71 feet distance along said westerly line of road to Fort Bayard to a point;

thence south 28 degrees 21 minutes 00 second east, 2,267.83 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 11 degrees 27 minutes 00 second east, 355.34 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 03 degrees 08 minutes 50 seconds west, 514.23 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 09 degrees 47 minutes 20 seconds west, 112.40 feet distance continuing along said westerly line of road to Fort Bayard to the southeast corner of the parcel herein described, being identified as the intersection of said westerly line of road to Fort Bayard with the northerly right-of-way line of new United States Highway Numbered 260 (Project Numbered F-013-1(3));

thence north 88 degrees 35 minutes 00 second west, 906.91 feet distance along the northerly right-of-way line of United States Highway Numbered 260 to the T-rail right-of-way marker on P.T. station 351+062.2;

thence southwesterly 2,435.21 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 along the arc of a curve bearing to the left and having a long chord bearing south 83 degrees 25 minutes 00 second west, 2,427.30 feet distance to the T-rail right-of-way marker on P.C. station 327+00;

thence south 75 degrees 25 minutes 00 second west, 594.40 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 to the southwest, and beginning corner of the parcel herein described.

SEC. 2. The conveyance authorized by this Act (1) shall protect existing valid rights, (2) shall reserve easements for existing facilities such as roads, telephone line, pipelines, electric power transmission lines, or other facilities or improvements in place, and shall reserve such easements for roads as the Secretary of Agriculture finds necessary to assure access to lands of the United States or to meet public needs, (3) shall reserve to the United States all mineral rights, including gas and oil, in the land so conveyed, and (4) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of Agriculture to be necessary to protect the interests of the United States.

With the following committee amendments:

Page 1, line 3, strike out "section 2" and insert in lieu thereof, "other provisions".

Page 5, beginning on line 3, strike out "(3) shall reserve to the United States all mineral rights including gas and oil, in the land so conveyed, and (4)" and insert in lieu thereof, "and (3)".

Add four new sections to the bill as follows:

"Sec. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land sold pursuant to this Act shall be conveyed to the Village of Central, State of New Mexico, or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

"Sec. 4. Each application made under the provisions of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

"Sec. 5. The term 'administrative costs' as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

"Sec. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING MANPOWER DEVELOPMENT AND TRAINING ACT RELATING TO SEASONAL UNEMPLOYMENT IN CONSTRUCTION INDUSTRY

MR. PERKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15990) to amend the Manpower Development and Training Act of 1962, as amended.

The Clerk read as follows:

H.R. 15990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Manpower Development and Training Act of 1962, as amended, is further amended, by adding, at the end thereof, a new title, as follows:

"TITLE IV

"SEASONAL UNEMPLOYMENT IN THE CONSTRUCTION INDUSTRY

"SEC. 401. (a) The Congress finds that seasonal unemployment represents a substantial portion of the unemployment in the construction industry; and a significant portion of all unemployment; that seasonal

unemployment results in economic hardship for construction employees, employers, and for the consumers of construction services; that such unemployment constitutes unnecessary and wasteful misuse of the Nation's manpower resources; that stabilization of construction operations may be expected to have a correspondingly stabilizing effect on construction employment and costs; and that it is highly desirable from the standpoint of the economy as a whole, and manpower policy in particular that positive and expeditious action be taken by public authorities and private groups to regularize construction employment.

"(b) It is therefore, the purpose of this title to provide for the conduct of a study of seasonality in the construction industry, with special attention to its implications for national manpower policy.

"SEC. 402. The Secretary of Labor, in cooperation with the Secretary of Commerce, shall study, investigate, conduct research, and prepare a report containing his findings and recommendations concerning means to achieve stabilization of employment in the construction industry and the diminishment of seasonality of employment in such industry, with special attention to its implications for national manpower policy, and shall transmit such report to the President no later than December 31, 1969.

"SEC. 403. Matters which the Secretary of Labor, in cooperation with the Secretary of Commerce and after consultation with other officials of Federal agencies, and with engineers, architects and representatives of labor and management in the construction industry, shall consider, shall include, but not necessarily be limited to, the extent to which seasonal unemployment in the construction industry can be reduced without substantial increases in construction costs by means such as—

"(a) the application of modern techniques to reduce the influence of weather on construction activity;

"(b) the resolution of technical problems which have not been solved by existing research and development activities;

"(c) possible changes in contract procedures in allocation cycles; and

"(d) improved planning and scheduling of construction projects."

The SPEAKER. Is a second demanded?

Mr. STEIGER of Wisconsin. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, the bill, H.R. 15990, to provide for a study of the problem of seasonality in the construction industry, is very clear in its purpose and very simple. It was supported by spokesmen for management, labor, and the Government; and it was approved unanimously by our committee.

Under its terms, the Secretary of Labor, in cooperation with the Secretary of Commerce and after consultation with other officials of Federal agencies and with engineers, architects and other representatives of labor and the construction industry, shall consider the extent to which seasonal unemployment can be reduced without substantial increases in construction costs.

The report from such a study must be transmitted to the President no later than December 31, 1969.

The legislation does not authorize specific appropriations and it is intended that the cost of the study would come out of the usual funds available to the Secretary of Labor for administrative pur-

poses. We expect the cost to be in the neighborhood of \$300,000.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Speaker, I would like to associate myself with the remarks of the distinguished chairman of the committee and point out that this is an extremely important bill. The construction industry of this country is one of three key props of our economy. This study will try to determine how we can use this important segment of our economy in a much more effective way so as to spread out the work in order to avoid peaks and valleys.

I congratulate the gentleman from Kentucky for bringing this very, very significant legislation before the House today and urge its passage.

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague from Illinois that the gentleman from Michigan [Mr. O'HARA] is the sponsor of this legislation. Also, the gentleman from Wisconsin [Mr. STEIGER] has been very much interested. I know of no opposition from anyone to the bill.

Mr. STEIGER of Wisconsin. Mr. Speaker, I want to indicate that as far as the minority on the committee is concerned the bill came out of the committee unanimously, as the gentleman from Kentucky, the chairman of the committee, indicated. Testimony was received from both the Building and Construction Trades Department, AFL-CIO, and from Mr. William E. Naumann speaking for the Associated General Contractors. In his testimony Mr. Naumann did indicate that an amendment, which was thereafter adopted by the committee, was necessary to enable the Secretary of Commerce to cooperate with the Secretary of Labor in making this study, and to provide for consultation therein with the representatives of both labor and management in the construction industry. It is quite clear, as the testimony before the committee indicates, that there is a need for a study of seasonality in the construction industry. This is something which has long been overlooked. In obtaining this legislation we show that we believe this ought to be done and the bill ought to be supported.

Mr. PERKINS. Mr. Speaker, I yield to the distinguished gentleman from Michigan [Mr. O'HARA].

(Mr. O'HARA of Michigan asked and was given permission to revise and extend his remarks.)

Mr. O'HARA of Michigan. Mr. Speaker, H.R. 15990 is a noncontroversial proposal for a study of one of the most bothersome phenomena confronting the construction industry. I refer to the problem of seasonal shutdowns and accompanying seasonal unemployment.

The bill calls simply for a study, to be conducted by the Secretary of Labor, in cooperation with the Secretary of Commerce, and with consultation involving construction industry management and labor, with architects and engineers, and other Federal agencies as appropriate. The study, which is to be completed by December 31, 1969, would examine ways

and means of achieving greater stability of employment in the construction trades, the application of modern techniques to reduce the influence of weather on construction activity, and possible alterations in contracting procedures and construction planning. The recommendations of the study may well be applicable to both the public and the private sectors, and, if the study produces positive results, it is to be hoped that the lessons learned therefrom would be given very careful attention by the agencies of this Government which are involved in contracting for construction work.

From the materials presented in the hearings, Mr. Speaker, it is obvious that the construction worker and the contractor alike have a stake in this legislation. The average construction laborer, for example, works only a third of the normal work year. Other construction craftsmen enjoy longer periods of employment but they, too, often fall far short of a year's work in a 12-month period. The contractor, for his part, faces the problem of having his capital investment inactive over a significant part of the year, and he faces in some areas, serious problems in holding together a permanent work force.

I am delighted, Mr. Speaker, to be able to assure the House that this is one bill affecting the construction industry on which labor and management are generally in agreement.

Mr. William Naumann of the Associated General Contractors, testified before our subcommittee during the hearings on this legislation to the effect that his organization supports the purpose of H.R. 15990, with some amendments. One of his proposed amendments would be to have the Secretary of Labor and the Secretary of Commerce both involved in this study. This bill, as reported by the committee, does precisely that. He suggested that other departments of Government be involved, as appropriate, and that it would be useful for management and labor in the construction industry to be consulted. The bill provides for that. Mr. Naumann finally stated that in his opinion, the original March 31, 1969 deadline was "unrealistic" and that "the deadline should allow at least a year following its enactment." The amended and reported bill sets a new deadline at December 31, 1969.

Seasonality in the construction trades is a very serious problem, Mr. Speaker. As I have said above, it affects the employer and the employee alike, and in many ways it raises the costs of construction to the ultimate consumer, of whom the U.S. Government is one of the most significant. There is already underway within the executive branch consideration of an executive order which would explore the possibilities of scheduling Government construction contracting to offset seasonal patterns of shutdowns and layoffs. Though the bill and the expected Executive order go toward the same objective, they are certainly not incompatible. The committee, in reporting the bill, emphasized that:

Nothing in the bill should serve to delay any of the steps currently being contemplated. Nor should the fact that a study is underway serve in any manner to justify

Oct 11, 1968

34. WATER POLLUTION. Concurred (with an amendment) in a House amendment to S. 3206, the proposed Water Quality Improvement Act. pp. S12802-7, S12820-36
35. EDUCATION. Agreed to the printing of a handbook, "Federal Educational Policies, Programs, and Proposals," as a H. Doc. p. D926
36. PUBLIC LANDS. Concurred in the House amendment to S. 3736, to authorize the Secretary of Agriculture to sell to Central, N. Mex., certain lands formerly part of the Fort Bayard Military Reservation. This bill will now be sent to the President. pp. ~~D925~~, S127481
37. TAXATION. Passed as reported H. R. 17332, to extend the time for claiming a credit or refund of excise tax on gasoline used on a farm or for other non-highway purposes. pp. S12734-5
Passed without amendment H. R. 14095, to amend the Internal Revenue Code of 1954 so as to make certain changes to facilitate the production of wine. This bill will now be sent to the President. p. S12731
38. TRANSPORTATION. Passed without amendment H. R. 159, to establish the Federal Maritime Administration as an independent agency. This bill will now be sent to the President. p. S12735
39. TARIFF. The Congressional Record indicates that the Senate considered H. R. 15003, to amend the tariff schedules so as to prevent payment of multiple customs duties in the case of horses temporarily exported for racing (p. S12733). The Daily Digest states that the Senate passed this bill (p. D930).
Passed with amendment H. R. 15798, to extend for an additional temporary period the existing suspension of duties on certain classifications of silk yarn. pp. S12727-8
Passed without amendment H. R. 18373, for implementing Conventions for free Admission of Professional Equipment and Containers, and for ATA, ECS, and TIR Carnets. This bill will now be sent to the President. pp. S12728-9
40. ADJOURNMENT. Agreed to adjourn sine die (p. S12826). (If the House had voted likewise, this would have ended the session.) Adjourned until Mon., Oct. 14. (p. S12838).

HOUSE - Oct. 12

41. PARKING. Agreed to the conference report on S. 944, to provide for D. C. parking facilities. pp. H9992, H9962-8
42. POVERTY. Received from the President the annual report of the Office of Economic Opportunity (H. Doc. 397). p. H9958
43. REPORTS. Several Representatives inserted reports to their constituents, including items relating to this Department. pp. H9968-72, H9985-90
44. TRANSPORTATION. Rep. Schwengel inserted letters opposing S. 2658, to increase size and weight limitations for trucks on interstate highways. pp. H9984-5
45. ADJOURNED until Mon., Oct. 14. p. H9992

EXTENSION OF REMARKS

46. APPROPRIATIONS. Remarks of several Representatives during debate on the supplemental appropriation bill. pp. E8896-7
Remarks of Rep. Matsunaga in support of an amendment to the Supplemental appropriation bill to restore \$1.5 million for a national flood insurance program. p. E8961
47. INFLATION. Sen. Dirksen inserted an address, "Inflation: A Symptom of What Ails America." pp. E8897-9
48. COMMUNITY DEVELOPMENT. Sen. Javits called for early enactment into law of the community development bill and inserted supporting material. pp. E8900-9
49. OPINION POLLS. Reps. Gibbons and Hammerschmidt inserted results of recent opinion polls on subjects of current interest. pp. E8912, E8922
50. HUNGER. Rep. Bolton inserted the text of an interview with the Nigerian Ambassador to the U. S. on the crisis in Nigeria. pp. E8912-3
51. ECONOMY. Rep. Cohelan inserted a Wall Street Journal analysis of the efforts to cut back Federal spending. pp. E8913-4
52. POLLUTION. Rep. Johnson, Pa., inserted Governor Shafer's address at the Pa. statewide conference on solid waste management. pp. E8916-7
53. REPORTS. Several Members inserted reports to constituents. pp. E8917-9
E8919-21, E8945-6, E8947, E8970-2, E8984-5
54. FOREIGN TRADE. Rep. Hathaway inserted the testimony of several witnesses at a public hearing on the proposal by the Maine Port Authority to create a foreign trade zone at Portland and a sub-zone at Machiasport. pp. E8928-34
55. CONSUMERS. Rep. Horton paid tribute to Rep. Sullivan for her contributions to consumer protection. p. E8943
56. MANPOWER TRAINING. Rep. Collins spoke in favor of pending legislation to extend certain expiring provisions of the Manpower Training and Development Act, and cited certain accomplishments under provisions of the Act. pp. E8966-7
57. RESEARCH. Rep. Rumsfeld inserted a speech by Richard Nixon, "The Research Gap: Crisis in American Science and Technology." pp. E8993-4

BILL APPROVED BY THE PRESIDENT

58. APPROPRIATIONS. H. R. 18037, the Departments of Labor and Health, Education, and Welfare, and related agencies. Approved Oct. 11, 1968 (Public Law 90-557).

mend them to the States for adoption without specific statutory authorization.

Mr. President, I ask unanimous consent that a statement by Senator YARBOROUGH, one of the conferees, be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

**RADIATION CONTROL FOR HEALTH AND SAFETY
ACT OF 1968**

(Statement by Senator YARBOROUGH)

Mr. President, it is with sadness that I rise to indicate my inability as a conferee to agree with the conference report which finds that half way protection from radiation hazards is good enough for the American people. Since I could not in good conscience sign the conference report, I believe I owe an explanation to this great body which allowed me to represent it.

I shall not spend a great deal of time discussing what might have been, but a few moments of consideration of how far backwards we have gone since we passed H.R. 10790 on October 3, 1968 may be in order.

While I have not had the pleasure of serving on the Commerce Committee for the past two Congresses, I was once on that Committee and when I saw the bill which it reported to the Senate, I was proud to say that I had once served on that Committee. The bill which was reported and referred to the Committee on Labor and Public Welfare contained, unlike the House bill which was the basis for the Commerce Committee action, a reasonable and workable method of protecting the American people from the insidious hazards of radiation sickness and poisoning. All that my Committee thought worth adding was a provision giving the same protection to individuals working with those products as had been given to consumers who purchase such products for their use. Would that I could say the same about the bill as it is now.

I am sure that the Senate does not wish at this time a detailed discussion of all the differences between the bill it passed and the bill which passed the other body. There were a few major differences which are important in view of the subject matter of this bill and the state of our knowledge about both the physical and the genetic effects of radiation. They may be quickly stated as (1) effective date of the act; (2) whether the Secretary of Health, Education, and Welfare should have the power to seize equipment which does not meet his duly promulgated standards; (3) whether the Secretary should have the power of his own accord to inspect plants manufacturing equipment covered by the act to ensure that the provisions of the act were being complied with; and (4) whether workers producing these products, especially those testing the products should have the same protection from radiation hazards as the consumer who purchases the equipment in the market place.

The basic need for this legislation is apparent to all. No one wants to suffer radiation sickness or genetic injury that only appears in future generations, because he sits home and watches color TV. No one wants to work with equipment which, because permanent and incurable injury to proper warning can slowly and insidiously cause permanent and incurable injury to himself or his companions.

As it passed the Senate this bill dealt very fairly with these problems. It allowed up to a year before the act became effective. The House had wanted two years.

It gave the Secretary of Health, Education, and Welfare the power to seize improperly manufactured equipment when such action was necessary. The House bill contained no such provision.

It gave the Secretary the power to inspect production facilities to ensure that the standards which had been set were being complied with, and it gave him this power to use at its most effective point, before the equipment has been shipped all over the country. The House bill contained no such provision.

It gave the worker who produces the equipment and who tests the equipment by using it in the same way as the ultimate consumer, the same protection as the ultimate consumer. The House bill contained no such provision.

How have we compromised our differences?

The effective date is two years as in the House version.

There is no power of seizure; the same omission as in the House bill.

There is no protection for workers who produce this potentially dangerous equipment; just as there was no such protection in the House bill.

There is a power to inspect only after the Secretary of Health, Education, and Welfare has found good cause. The only stated example in the bill is where the promulgated standards were violated. In other words, all producers of this equipment like the proverbial dog get one free bite. Where genetic injury may not show up for 10 or 20 years, the American people have the right to have the best possible protection against such injury, and this must in my view include the right to inspection at the Secretary's discretion.

I hope that these reservations which I have voiced will in the future result in constructive action. This legislation should be only the beginning. If the need for the provisions which I have mentioned has not been proven this year beyond the shadow of a doubt, the hearings which should be held will likely remove all doubts. The American people are entitled to be as well protected from these invisible dangers as they are from the invisible dangers of disease. The health of our nation is at stake and I intend to work to help protect the people from radiological disease and to see that the dangers from it receive the same intensive attention as cancer, stroke, or heart disease.

Mr. HARTKE. Mr. President, I ask unanimous consent that a statement by Senator BARTLETT be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROGRESS ON RADIATION SAFETY

Mr. BARTLETT. Mr. President, I urge the Senate to adopt the conference report on H.R. 10790, the Radiation Control for Health and Safety Act of 1968.

I urge adoption of the conference report because, despite the refusal of the House conferees to yield on any of four important Senate amendments, I believe on balance that the bill as reported out of conference is to be much preferred to no bill at all.

While the bill is not as strong as the Senate approved in accepting my amendments to the House version of the legislation, H.R. 10790 still represents substantial breakthroughs, not only in radiation protection but in the general field of consumer protection as well.

Perhaps the most important improvements accepted in conference were:

Requiring manufacturers to repair or replace or refund the price of electronic products which contain any defect which relates to the safety of use of such product;

Requiring dealers to keep and transmit to the manufacturer records of all large ticket electronics products for which there are applicable standards—rather than limit this responsibility to sales of color television re-

ceivers—in order to facilitate the location of purchasers of those products which are found to contain defects relating to their safe use;

Requiring manufacturers to keep such records and provide such other information as the Secretary may need in order to ascertain whether the manufacturer is complying with the requirements of the act.

Also of great importance are provisions giving the public access to information concerning various investigative reports and all meetings between government officials and industry representatives involving the setting and enforcement of performance standards. And to the extent that accident reports are made by manufacturers to the Secretary, it is anticipated that these, too, will be made available for use in judicial proceedings.

The Senate conferees were also successful in retaining:

(1) Provisions instructing the Secretary of Health, Education, and Welfare to make a wide range of studies which may gather information supporting additional legislation in this area;

(2) Language which broadens the concept of "performance standards".

The latter provision is particularly important in protecting patients from unnecessary exposure to medical x-rays by allowing the Secretary to set performance standards limiting x-ray beams to the size needed to get the information sought. Also, under this provision, the Secretary may require the manufacturers to attach warning labels and other information pertinent to the safety of the user.

The biggest disappointment in the conference in my opinion was the refusal of the House conferees to yield on the question of authorizing automatic inspection of plants manufacturing devices covered by the bill.

However, inspection is authorized if good cause is shown, and once such cause is shown, the offending plant may be inspected at any time thereafter.

In addition, the bill requires that manufacturers must certify that products covered by the legislation meet prescribed standards and that compliance with standards is determined by an acceptable testing program. The Secretary has the right to disapprove a testing program.

While the bill does give the Secretary authority to enforce performance standards, I believe that my amendment authorizing automatic plant inspection would have been more in keeping with the philosophy of preventing injuries from radiation rather than correcting a situation after the fact.

My amendment was designed to use inspection as a means of preventing devices emitting unnecessary radiation from getting into commerce rather than recalling dangerous devices after they have been sold.

As has been too often the case with consumer protection measures considered by Congress, industry has generally opposed in-plant inspection. Fortunately, in the meat and poultry inspection programs, we were able to provide for in-plant inspection. I feel so strongly about the need for this type of inspection in connection with radiation safety, that I plan to introduce early next session an amendment to H.R. 10790 dealing with this question.

In light of the decision to drop automatic in-plant inspection, the right to seize dangerous devices in commerce became even more important. Unfortunately, this provision was one of the those lost in conference.

However, in the event that an extraordinarily hazardous product should appear on the market, as, for example, a complex new toy whose electronic circuits emit hazardous levels of radiation, we urge the Secretary to coordinate action with those agencies which do have seizure authority for certain prod-

units, such as FDA, in order to immediately remove the dangerous product from distribution. If no agency has such authority, the Secretary should immediately request Congress for the necessary legislation.

Senate amendments authorizing the Secretary of HEW to set standards to protect workers from excessive radiation and to issue advisory standards for the licensing of x-ray technicians and for accrediting schools which train x-ray technicians were also dropped.

I hope that the senior Senator from Texas (Mr. YARBOROUGH) will reintroduce the amendment providing for worker safety in the next session of Congress. Fortunately, however, under this legislation the Secretary can at least prescribe performance standards which will be adequate to protect workers who repair products as well as protecting the consumers who buy them.

I also plan to continue to push for licensing the operators of x-ray devices, for it makes no sense to set performance standards for equipment without attempting to ensure that the operators of the equipment are trained to use it correctly.

Mr. President, I would have much preferred if these amendments had been accepted in conference. I know that the senior Senator from Indiana (Mr. HARTKE) and the senior Senator from Texas (Mr. YARBOROUGH) fought hard for the Senate amendments. I was in contact with both senators during the conference and agreed to recede to the position of the House on several important provisions rather than to allow the bill to die, for as I have already indicated, I believed that even with the deletions, the bill as reported from conference represented an important step forward in protecting the public against unnecessary exposure to radiation.

Mr. HARTKE. Mr. President, on the day the Senate approved H.R. 10790, the Radiation Control for Health and Safety Act, the senior Senator from Washington [Mr. MAGNUSON], who managed the bill on the floor, paid high tribute to the senior Senator from Alaska [Mr. BARTLETT] as a fighter for radiation safety. Today, I concur.

Mr. President, it is not an exaggeration to state that the Senate version of H.R. 10790 is the result of many years of work and study on the part of Senator BARTLETT. He chaired lengthy hearings on the subject of radiation safety and on numerous occasions has sought to enlighten the Senate and the public through speeches on the Senate floor.

While illness prevented him from taking part in the Senate-House conference on H.R. 10790, he was in contact with the conferees by telephone and offered important advice and support.

I believe a great deal of credit should be given Senator BARTLETT for the Senate's successful effort to strengthen this most important consumer protection measure.

Mr. President, I move that the conference report be adopted.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AUTHORITY TO SELL CERTAIN LANDS IN NEW MEXICO

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3736.

The PRESIDING OFFICER laid before the Senate the amendments of the

House of Representatives to the bill (S. 3736) to authorize the Secretary of Agriculture to sell to the village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, N. Mex., which were on page 1, line 3, strike out "section 2" and insert "other provisions".

On page 5, line 3, strike out all after "needs," down through and including "(4)" in line 5, and insert "and (3)".

On page 5, after line 8, insert:

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land sold pursuant to this Act shall be conveyed to the Village of Central, State of New Mexico, or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

SEC. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

PRINTING AS A HOUSE DOCUMENT A SURVEY AND HANDBOOK ENTITLED "FEDERAL EDUCATIONAL POLICIES, PROGRAMS, AND PRO- POSALS"

Mr. MANSFIELD. Mr. President, I ask that the Chair lay before the Senate a message from the House on House Concurrent Resolution 763, and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 763) providing for the printing as a House document a survey and handbook entitled "Federal Educational Policies, Programs, and Proposals."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the concurrent resolution was considered and agreed to.

LISTING OF OPERATING FEDERAL ASSISTANCE PROGRAMS AS COMPILED DURING THE ROTH STUDY

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House on House Concurrent Resolution 801, and ask for its immediate consideration.

The LEGISLATIVE CLERK. A concurrent resolution (H. Con. Res. 801) listing of operating Federal assistance programs as compiled during the Roth study.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution was considered and agreed to.

AUTHORIZATION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORTS DURING ADJOURNMENT SINE DIE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Government Operations, on its own behalf or on behalf of its subcommittees, be authorized to file reports with the Secretary of the Senate during the adjournment sine die of the 90th Congress, second session, and that they be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1969—PROCEEDINGS IN CLOSED SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the expurgated transcript of the proceedings of the closed session of the Senate on October 2, 1968, which has been prepared under the direction of the Senator from Georgia [Mr. RUSSELL], be printed in the Extensions of Remarks; and that subsequently it be published at the appropriate place in the permanent RECORD of October 2, 1968.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The proceedings will be published in a later edition of the Extensions of Remarks under the above heading.)

STRIKING OF MEDALS IN COMMEMORATION OF THE 150TH ANNIVERSARY OF THE FOUNDING OF THE CITY OF MEMPHIS

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be discharged from the further consideration of the bill H.R. 17361, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, the committee will be discharged from further consideration of the bill.

The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (H.R. 17361) to provide for the striking of medals in commemoration of the 150th anniversary of the founding of the city of Memphis.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?



Public Law 90-625
90th Congress, S. 3736
October 22, 1968

An Act

To authorize the Secretary of Agriculture to sell to the Village of Central, State of New Mexico, certain lands administered by him formerly part of the Fort Bayard Military Reservation, New Mexico.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to other provisions of this Act, the Secretary of Agriculture is authorized and directed to sell, in tracts of not less than 40 acres and at market value as determined by him, and to convey to the Village of Central, State of New Mexico, for the purpose of residential and business development, the following described lands formerly part of the Fort Bayard Military Reservation, Grant County, New Mexico, comprising approximately one hundred and seventy-seven acres situated in section 35, township 17 south, range 13 west, New Mexico principal meridian, more particularly described by metes and bounds as follows:

Fort Bayard
Military Reservation, N. Mex.
Land conveyance.

Beginning at the southwest corner of the parcel herein described, being a point on the northerly right-of-way line of United States Highway Numbered 260 (New Mexico State Highway Department project numbered F-013-1(3)), whence the 2-mile corner on the south boundary of the Fort Bayard Military Reservation (concrete monument in place) bears south 02 degrees 20 minutes 30 seconds east, 366.78 feet distance:

thence north 01 degree 16 minutes 00 seconds west, 439.75 feet distance to a point;

thence north 80 degrees 06 minutes 10 seconds east, 496.21 feet distance to a point;

thence north 14 degrees 22 minutes 10 seconds west, 500.58 feet distance to the northwest corner of the parcel herein described;

thence north 37 degrees 22 minutes 30 seconds east, 1,003.60 feet distance to a point;

thence north 13 degrees 48 minutes 30 seconds east, 439.35 feet distance to a point;

thence north 47 degrees 39 minutes 10 seconds east, 703.80 feet distance to a point;

thence north 48 degrees 30 minutes 00 second east, 490.75 feet distance to a point;

thence north 48 degrees 59 minutes 00 second east, 602.85 feet distance to a point;

thence north 49 degrees 39 minutes 00 second east, 235.52 feet distance to the northeast corner of the parcel herein described, being a point on the westerly line of the old Highway Numbered 180-260 (road to Fort Bayard);

thence south 44 degrees 13 minutes 10 seconds east, 289.71 feet distance along said westerly line of road to Fort Bayard to a point;

thence south 28 degrees 21 minutes 00 second east, 2,267.83 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 11 degrees 27 minutes 00 second east, 355.34 feet distance continuing along said westerly line of road to Fort Bayard to a point;

thence south 03 degrees 08 minutes 50 seconds west, 514.23 feet distance continuing along said westerly line of road to Fort Bayard to a point;

82 STAT. 1317

82 STAT. 1318

thence south 09 degrees 47 minutes 20 seconds west, 112.40 feet distance continuing along said westerly line of road to Fort Bayard to the southeast corner of the parcel herein described, being identified as the intersection of said westerly line of road to Fort Bayard with the northerly right-of-way line of new United States Highway Numbered 260 (Project Numbered F-013-1(3)):

thence north 88 degrees 35 minutes 00 second west, 906.91 feet distance along the northerly right-of-way line of United States Highway Numbered 260 to the T-rail right-of-way marker on P.T. station 351+06.2:

thence southwesterly 2,435.21 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 along the arc of a curve bearing to the left and having a long chord bearing south 83 degrees 25 minutes 00 seconds west, 2,427.30 feet distance to the T-Rail right-of-way marker on P.C. Station 327+00:

thence south 75 degrees 25 minutes 00 seconds west, 594.40 feet distance continuing along said northerly right-of-way line of United States Highway Numbered 260 to the southwest, and beginning corner of the parcel herein described.

SEC. 2. The conveyance authorized by this Act (1) shall protect existing valid rights, (2) shall reserve easements for existing facilities such as roads, telephone lines, pipelines, electric power transmission lines, or other facilities or improvements in place, and shall reserve such easements for roads as the Secretary of Agriculture finds necessary to assure access to lands of the United States or to meet public needs, and (3) may contain such additional terms, conditions, reservations, and restrictions as may be determined by the Secretary of Agriculture to be necessary to protect the interests of the United States.

Mineral
interests.

SEC. 3. Upon application all the undivided mineral interests of the United States in any parcel or tract of land sold pursuant to this Act shall be conveyed to the Village of Central, State of New Mexico, or its successors in title by the Secretary of the Interior. In areas where the Secretary of the Interior determines that there is no active mineral development or leasing, and that the lands have no mineral value, the mineral interests covered by a single application shall be sold for a consideration of \$1. In other areas the mineral interests shall be sold at the fair market value thereof as determined by the Secretary of the Interior after taking into consideration such appraisals as he deems necessary or appropriate.

SEC. 4. Each application made under the provisions of this Act shall be accompanied by a nonrefundable deposit to be applied to the administrative costs as fixed by the Secretary of the Interior. If the conveyance is made, the applicant shall pay to the Secretary of the Interior the full administrative costs, less the deposit. If a conveyance is not made pursuant to an application filed under this Act, the deposit shall constitute full satisfaction of such administrative costs notwithstanding that the administrative costs exceed the deposit.

"Admin-
istrative
costs."

SEC. 5. The term "administrative costs" as used in this Act includes, in addition to other items, all costs which the Secretary of the Interior determines are included in a determination of (1) the mineral character of the land in question, and (2) the fair market value of the mineral interest.

October 22, 1968

- 3 -

Pub. Law 90-625

82 STAT. 1318

Sec. 6. Amounts paid to the Secretary of the Interior under the provisions of this Act shall be paid into the Treasury of the United States as miscellaneous receipts.

Approved October 22, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 1933 (Comm. on Agriculture).

SENATE REPORT No. 1502 (Comm. on Agriculture & Forestry).

CONGRESSIONAL RECORD, Vol. 114 (1968):

Sept. 11: Considered and passed Senate.

Oct. 7: Considered and passed House, amended.

Oct. 11: Senate concurred in House amendments.

